

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FREDDIE TRAIL NASH,

Petitioner,

v.

JEFFREY WOODS,

Respondent.

Case No. 2:11-cv-14483

HONORABLE GEORGE CARAM STEEH

**OPINION AND ORDER TRANSFERRING THE PETITION FOR
WRIT OF HABEAS CORPUS TO THE WESTERN DISTRICT OF MICHIGAN**

Petitioner Freddie Trail Nash has filed a petition for a writ of habeas corpus with this Court pursuant to 28 U.S.C. § 2254. Petitioner is confined at the Chippewa Correctional Facility in Kincheloe, Michigan. He challenges his convictions for first degree murder and felony firearm, entered in the Ingham County Circuit Court on May 26, 2004, following Petitioner's jury trial.

When a habeas petition is submitted by a person in the custody of a state with two or more Federal judicial districts, the petition may be filed in either the district where the person is in custody or in the district where the person was convicted and sentenced. 28 U.S.C. § 2241(d). The district in which the petitioner has filed a habeas petition, in the exercise of discretion and in furtherance of justice, may transfer the petition to another district court having jurisdiction over the petition. *Id.*; see also 28 U.S.C. § 1406(a) (district court may dismiss or, in the interest of justice, transfer case with improper venue to district or division where it could have been brought).

Petitioner is confined in Chippewa County, Michigan, which lies in the Northern Division of the Western District of Michigan. See 28 U.S.C. § 102(b)(2). The conviction

and sentence he challenges were rendered in Ingham County, Michigan, which lies in the Southern Division of the Western District of Michigan. See 28 U.S.C. § 102(b)(1). Venue is not appropriate in the Eastern District of Michigan as the Petitioner is neither in custody in this district nor was he convicted and sentenced here. Instead, the appropriate venue for the Petition is the Western District of Michigan. The Court will therefore transfer Petitioner's case to the Western District of Michigan.

Accordingly, the Court **ORDERS** the Clerk of the Court to transfer this case to the United States District Court for the Western District of Michigan pursuant to 28 U.S.C. § 2241(d).

s/George Caram Steeh
GEORGE CARAM STEEH
United States District Judge

Dated: October 25, 2011

I hereby certify that a copy of the foregoing document was served upon Freddie Nash, #236341, Chippewa Correctional Facility, 4269 W. M-80, Kiincheloe, MI 49784 and counsel of record on October 25, 2011, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Case Manager